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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,755	06/29/2001	Mami Uchida	SONYJP 3.0-184	1030

7590 12/07/2010  
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP  
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EXAMINER
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CHOWDHURY, SUMAIYA A

ART UNIT	PAPER NUMBER
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2421

MAIL DATE	DELIVERY MODE
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12/07/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/895,755	UCHIDA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	SUMAIYA A. CHOWDHURY	2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 September 2010.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 17-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 17-18 have been considered but are moot in view of the new ground(s) of rejection.

(a) Applicant argues that the prior art does not teach the new limitations.

The Examiner has brought in Howe (6826775) to teach the newly amended limitation of performing a timeout if no action has been taken by the user. The Examiner has brought in Nishikawa (648010) to teach wherein the text of schedule information of an electronic broadcast program is displayed.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Proehl (6532589) in view of Barnett (6369840), Howe (6826775), and Nishikawa (6481010).

As for claims 17 and 18, Proehl discloses a schedule apparatus, comprising:

Means (RAM 51) for receiving electronic program guide information (col. 4, lines 14-18);

means for creating a calendar (TV Planner - Fig. 9) including a plurality of dates and displaying the created calendar on a display device (col. 7, lines 30-35);

first means for determining whether a date from said calendar has been selected (User selects July 17 (914 – Fig. 9); col. 8, lines 25-30) or an input of user schedule information has been made (col. 6, line 61-col. 7, line 16);

means for creating a selected date display (Fig. 10) and displaying the created selected date display on the display device, and second means for determining whether a request (1008 – fig. 10) for the EPG information has been made while the selected date display is being displayed on the display device (Referring to Fig. 10, the user at the moment is viewing the day planner for the date of July 17. On the right hand panel, the user can select to view the epg by selecting the "go to guide" button 1008; col. 8, lines 30-60);

means for creating an EPG display for the selected date and displaying the created EPG display on the display device, responsive to a determination from the second determining means that the request for the EPG information has been made while the selected date display is being displayed on the display device (col. 8, lines 30-60);

third means for determining whether a request for a viewing or recording reservation of a desired electronic broadcast program or programs has been made while the EPG display is being displayed on the display device (From the epg, the user can select to record or to set a reminder of a program or programs; Col. 8, lines 13-22);

fourth means, responsive to a determination from the first determining means that the date has been selected, for accepting an input of user schedule information in which

a user is able to edit a personal event or events of the selected day, and responsive to determinations from the first and second determining means, respectively, that the date has been selected and that the request for the EPG information has been made while the selected date display is being displayed, causing said EPG information which comprises at least program guide information of the selected date to be displayed on the EPG display (From the day planner, the user can select to view the epg. When the user selects the epg, programming is displayed starting from the date displayed in the day planner; col. 8, lines 47-60), and responsive to the determination from the third determining means that the request for the viewing or program reservation of the desired program or programs has been made while the EPG display for the selected date is being displayed on the display screen, for accepting a viewing or recording reservation schedule for a desired program or programs (Proehl teaches that the user can select to record or set a reminder for programming from the epg; col. 6, line 61-col. 7, line 16); and

means for controlling display of the schedule information of the user's personal event or events and schedule information of the electronic broadcast program or programs to be viewed or recorded on said calendar (Fig. 9; col. 8, lines 10-30, col. 6, lines 15-21).

However, Proehl fails to disclose:

The personal event or events comprising events unrelated to the request for the EPG information;

The text of the schedule information of the electronic broadcast program or programs being displayed on the calendar; and

Performing timeout if no action has been made within a predetermined period of time.

In an analogous art, Barnett discloses:

The personal event or events comprising events unrelated to the request for the EPG information (user generated event entries—Lunch with Rebecca, & weekly 1-1 w/James/weekly status meeting; fig. 12-13; col. 2, lines 25-48, col. 13, lines 39-47), and

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Proehl's invention to include the abovementioned limitations, as taught by Barnett, for the advantage of allowing more flexibility in the way events can be imported and viewed and for providing a detailed personal calendar.

However, Proehl and Barnett fail to disclose:

Performing timeout if no action has been made within a predetermined period of time.

The text of the schedule information of the electronic broadcast program or programs being displayed on the calendar;

In an analogous art, Howe discloses performing timeout if no action has been made within a predetermined period of time (270-fig. 2b; col. 13, lines 15-19).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Proehl and Barnett's invention to include the abovementioned limitation, as taught by Howe, for the advantage of getting rid of on-screen objects on the assumption that a user has no interest in it so as to not hold the system hostage waiting for an input.

However, Proehl, Barnett, and Howe fail to disclose:

The text of the schedule information of the electronic broadcast program or programs being displayed on the calendar;

In an analogous art, Nishikawa discloses a television which displays a monthly calendar that indicates which programs are purchased and/or selected for recording. Referring to Fig. 11, the text (program title & start time) of the schedule information of the electronic broadcast program or programs is displayed on the calendar (col. 13, lines 19-45).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Proehl, Barnett, and Howe's invention to include the abovementioned limitation, as taught by Nishikawa, for the advantage of providing a calendar which provides detailed information of the programs reserved for recording, thereby providing a user-friendly display.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUMAIYA A. CHOWDHURY whose telephone number is (571)272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/  
Supervisory Patent Examiner, Art Unit 2421

/Sumaiya A Chowdhury/  
Examiner, Art Unit 2421